

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	23cv6009 (DLC)
FEDERAL TRADE COMMISSION,	:	
	:	<u>ORDER</u>
Plaintiff,	:	
-v-	:	
	:	
CELSIUS NETWORK INC., et al.,	:	
	:	
Defendants.	:	
	:	
-----	X	
DENISE COTE, District Judge:		

The Federal Trade Commission ("FTC") filed this action on July 13, 2023, bringing claims against cryptocurrency platform Celsius Network Inc., its related corporate entities (collectively, "Celsius"), and three of its top executives: Alexander Mashinsky, Shlomi Leon, and Hanoch Goldstein. Also on July 13, Indictment 23cr347 (JGK) was unsealed, bringing criminal charges against Mashinsky and another Celsius employee, Roni Cohen-Pavon. Answers in this civil action were due on September 11 from Mashinsky and Goldstein, and on October 11 from Leon.¹

On September 11, 2023, the United States Attorney for the Southern District of New York moved (i) to intervene in the above-captioned case, pursuant to Rule 24, Fed. R. Civ. P., and (ii) to stay discovery in this matter in its entirety pending

¹ The corporate defendants have already resolved this action.

resolution of the defendants' motions to dismiss in order to avoid prejudice to the ongoing criminal case. All parties consent to the stay.²

Also on September 11, 2023, defendants Mashinsky and Goldstein moved to dismiss the complaint pursuant to Rule 12(b)(6), Fed. R. Civ. P. On September 25, the FTC filed an opposition to the motions to dismiss. Accordingly, it is hereby

ORDERED that the **September 29, 2023**, initial pretrial conference is canceled.

IT IS FURTHER ORDERED that defendants Mashinsky and Goldstein shall file any reply to the FTC's September 25 opposition by **October 6, 2023**.

IT IS FURTHER ORDERED that, by **October 11, 2023**, defendant Leon shall file an answer or other pleading in response to the complaint. Any motion to dismiss filed by defendant Leon shall be served by the following dates:

- Motion served by **October 11, 2023**
- Opposition served by **November 1, 2023**
- Reply served by **November 8, 2023**

At the time any reply is filed, the moving party shall supply Chambers with two (2) courtesy copies of all motion papers by


² Goldstein consents to the stay "assuming the bankruptcy court stays a related equitable subordination hearing pending before it." An unopposed stipulation effecting such a stay in that matter was entered on September 12, 2023.

mailing or delivering them to the United States Courthouse, 500 Pearl Street, New York, New York.

IT IS FURTHER ORDERED that the Government's request to intervene is granted.

IT IS FURTHER ORDERED that discovery is stayed pending a decision on the defendants' motions to dismiss.

Dated: New York, New York
September 26, 2023



DENISE COTE
United States District Judge